

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

RECEIVED
MAR 19 2002
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of)

Amendment of Part 2 of the Commission's)
Rules to Allocate Spectrum Below 3 GHz)
for Mobile and Fixed Services to Support)
the Introduction of New Advanced Wireless)
Services, including Third Generation)
Wireless Systems)

ET Docket No. 00-258

Amendment of Section 2.106 of the)
Commission's Rules to Allocate Spectrum)
at 2 GHz for Use By the Mobile-Satellite)
Service)

ET Docket No. 95-18

The Establishment of Policies and Service)
Rules for the Mobile-Satellite Service in the)
2 GHz Band)

IB Docket No. 99-81 /

Petition for Rulemaking of the Wireless)
Information Networks Forum Concerning)
the Unlicensed Personal Communications)
Service)

RM-9498

Petition for Rule Making of UTStarcom,)
Inc., Concerning the Unlicensed Personal)
Communications Service)

RM-10024

To: The Commission

REPLY COMMENTS

Blackfoot Telephone Cooperative, Inc., Midstate Communications, Inc., Midvale
Telephone Exchange, Inc., and Penasco Valley Telephone Cooperative, Inc. (hereinafter the
"Rural Commenters") hereby submit their joint reply comments in the above-captioned

No. of Copies rec'd 0
List ABCDE

proceeding.¹ After reviewing the comments in the Federal Communications Commission's ("FCC" or "Commission") Further Notice of Proposed Rulemaking ("FNPRM") to consider whether to reallocate additional spectrum bands below 3 GHz to advanced wireless services, the Rural Commenters continue to recommend that the Commission open the 1910-1930 MHz Unlicensed Personal Communications Service ("UPCS") band to services such as the "Community Wireless Network" concept developed by UTStarcom to facilitate local wireless deployment in rural, tribal, and underserved areas.² Specifically, based on the record in this proceeding, the Rural Commenters recommend that the Commission take the following actions:

1. Consider the 1910-1930 MHz on an expedited track separate from the other bands under consideration in the FNPRM. A significant number of commenters focused their remarks solely on this band, and most commenters generally agreed that allocating this spectrum to advanced mobile wireless services likely would cause interference in the adjacent PCS bands without sufficient guard band protection.³ As a result, the Commission should leave the UPCS spectrum unlicensed.

2. Allow voice communications in the 1910-1920 MHz asynchronous data sub-band. A large number of commenters—including UTAM and the equipment manufacturers—supported opening the 1910-1920 MHz sub-band to voice communications.⁴

¹ Blackfoot Telephone Cooperative, Inc., Midstate Communications, Inc., Midvale Telephone Exchange, Inc., and Penasco Valley Telephone Cooperative, Inc. each participated in this proceeding by filing separate comments on October 22, 2001.

² Petition for Rulemaking, RM-10024, Nov. 6, 2000, and initial comments of UTStarcom, Inc.

³ In addition to the Rural Commenters and UTStarcom, see, for example, initial comments of UTAM, Aviatel, RNI Communications, Avaya, and NEC America.

⁴ See initial comments of UTAM at 12, Nortel Networks at 3, Motorola, Inc., at 19, NEC America, Inc., at 23, and the Cellular Telecommunications & Internet Association ("CTIA") at 3.

3. Relax the spectrum etiquette for the 1910-1920 MHz sub-band. Because current UPCS vendors have made significant investments in isochronous voice equipment, the Commission should leave the current isochronous spectrum use etiquette in place for the 1920-1930 MHz band. This would also serve to retain that sub-band as a guard band for protecting PCS operations in the adjacent spectrum. However, the Commission should relax the etiquette currently in place for the 1910-1920 MHz asynchronous data sub-band. This would not preclude existing UPCS systems from operating across both sub-bands. And it would restrict those systems that do not comply with the isochronous etiquette to only 10 MHz of spectrum. Relaxing the etiquette would, however, allow deployment of inexpensive, globally standard systems that will result in economic factors that favor deployments in rural communities.

Extending the isochronous etiquette from 1920-1930 MHz to cover the entire band would (based on the record of equipment approvals in 1920-1930 MHz) result in very limited availability of product, and in product that would be proprietary to each vendor, as existing internationally standard equipment would be precluded from operating. For the most part, products currently available in the United States for unlicensed operation cost too much, and the cells are too small to allow for viable Community Wireless Networks. If these products were cost effective for this application, Community Wireless Networks could be deployed in the 1920-1930 MHz band using existing approved products.

4. Implement the proposed changes, which will maintain the guard band function of the UPCS band and not have any impact on licensed PCS operators. The products being considered for deployment are already operating under Part 24 rules in the 1895-1910 MHz half of the licensed PCS C-block spectrum (including the trial system operated by Midstate's

affiliate).⁵ As such, these products have already been certified not to interfere with PCS operators in adjacent blocks. Operating this class of system in the 1910-1920 MHz band would also have no impact on systems operating in the licensed PCS band. If necessary, the Part 24 interference/power limit requirements could be included in any new rules as an alternative to the rule changes proposed by UTStarcom in its *Ex Parte* filing.

5. Reimburse UTAM for microwave relocation. Because UTAM has incurred considerable costs for clearing the 1910-1930 MHz band of fixed microwave users, it should be reimbursed for its reasonable expenses.

Conclusion

In light of the foregoing, the Rural Commenters continue to support the proposal of UTStarcom for a Community Wireless Network/Mobile Local Loop service in the UPCS band.

Respectfully Submitted,

By

/s/

John A. Prendergast
Blooston, Mordkofsky, Dickens, Duffy & Prendergast
2120 L Street, NW, Suite 300
Washington, DC 20037
(202) 659-0830

Attorney for the Rural Commenters

Dated: November 8, 2001

⁵ Initial comments of Midstate.

SERVICE LIST

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, SW, Room 8-B201
Washington, DC 20554

The Honorable Michael J. Copps
Commissioner
Federal Communications Commission
445 12th Street, SW, Room 8-A302
Washington, DC 20554

The Honorable Kathleen Q. Abernathy
Commissioner
Federal Communications Commission
445 12th Street, SW, Room 8-B204
Washington, DC 20554

The Honorable Kevin J. Martin
Commissioner
Federal Communications Commission
445 12th Street, SW, Room 8-C302
Washington, DC 20554

Thomas Sugrue, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW, Room 3-C252
Washington, DC 20554

Kathleen O'Brien Ham
Deputy Bureau Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW, Room 3-C255
Washington, DC 20554

John Spencer
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW, Room 3-A103
Washington, DC 20554

Karl Kensinger
International Bureau
Federal Communications Commission
445 12th Street, SW, Room 6-A663
Washington, DC 20554

Ari Q. Fitzgerald
David L. Martin
Counsel to NEC America
Hogan & Hartson LLP
555 13th Street, NW
Washington DC 20004

Steve B. Sharkey
Robert D. Kubik
Motorola, Inc.
1350 I Street, NW
Washington, DC 20005

Michael F. Altshul
CTIA
1250 Connecticut Avenue NW
Suite 800
Washington, DC 20036

Henry Goldberg
UTStarcom
Goldberg, Godles, Wiener & Wright
1229 19th Street, NW
Washington, DC 20036

Stephen L. Goodman
Nortel Networks, Inc.
Halprin, Temple, Goodman & Maher
555 12th Street, NW
Suite 950, North Tower
Washington, DC 20004

Sandy Abramson
UTAM, Inc.
PO Box 8126
Bridgewater, NJ 08807

Robert Smith
RNI Communications Corp.
530 McElroy Road
Cle Elum, WA 98922

Charles E. Crowders
Avaya, Inc.
1450 G St., NW
Washington, DC 20005

Aviatel, Inc.
6521 Meridien Drive
Suite 131
Raleigh, NC 27616